

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P00255WO		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/001071	International filing date (day/month/year) 05.02.2004	Priority date (day/month/year) 05.02.2003	
International Patent Classification (IPC) or national classification and IPC F25D 29/00, A47L 15/42, D06F 39/00, F24C 7/08			
Applicant BSH BOSCH UND SIEMENS HAUSGERÄTE GMBH			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited
<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

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Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-13 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims		YES
	Claims	1-13	NO
Inventive step (IS)	Claims		YES
	Claims	1-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>Apart from the lack of clarity mentioned in Box VIII, the subject matter of claims 1-13 is not novel (PCT Article 33(2)) and therefore the requirements of PCT Article 33(1) are not met</p> <p>Document US-A-5 901 562 discloses (the references in parentheses are to that document):</p> <p>a refrigerator having a housing which encloses an inner chamber (14) and a carrier module (22) which is inserted into the housing, and carrying (see Box VIII) a control circuit (42) for controlling the refrigerating power of the refrigerator depending on a temperature measurement signal and a control element (30, 32) for adjusting an operational parameter of the refrigerator and illuminating means (96, 98) for illuminating the inner chamber.</p> <p>Even if the subject matter of claim 1 were restricted to "control element and display element...", instead of "control element or display element...", said subject matter would not involve an inventive step because the arrangement of a display element in a carrier module is</p>			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

generally known to a person skilled in the art (cf. document WO-A-02/065036, figure 1 and page 4, paragraph 2).

Dependent claims 2-13 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty or inventive step requirements, for the following reasons:

The additional features of claims 2-13 are either known from the prior art (see international search report) or constitute minor structural modifications of the refrigerator which lie within the scope of what a person skilled in the art routinely does, on the basis of familiar considerations, especially since the advantages achieved thereby are easily foreseeable, and therefore the subject matter of these claims is not considered novel or inventive.

The subject matter of the present claims is industrially applicable for refrigerators (PCT Article 33(4)).

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Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
DE-A-102 00 317	24.07.2003	07.01.2002	07.01.2002

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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Box No. VII **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Independent claim 1 was not drafted in the two-part form
recommended by PCT Rule 6.3(b).

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The application does not meet the requirements of PCT Article 6 because claim 1 is unclear.

The expression used in claim 1, "carrier module (13) **which...**" ["**das**", German text only] leaves the reader uncertain about the meaning of the technical feature in question because it is not clear whether the word "which" relates to the refrigerator or to the carrier module. As a result, the claimed subject matter is not clearly defined (PCT Article 6).

For the remainder of the procedure, the word "which" is assumed to relate to the carrier module.